

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE,  
THE DELAWARE ENERGY OFFICE.  
THE OFFICE OF MANAGEMENT AND BUDGET  
AND THE CONTROLLER GENERAL**

|                                                        |                              |
|--------------------------------------------------------|------------------------------|
| <b>IN THE MATTER OF INTEGRATED RESOURCE )</b>          |                              |
| <b>PLANNING FOR THE PROVISION OF STANDARD )</b>        |                              |
| <b>OFFER SERVICE BY DP&amp;L POWER &amp; )</b>         |                              |
| <b>LIGHT COMPANY UNDER 26 DEL. C. §1007(c) &amp; )</b> |                              |
| <b>(d): REVIEW AND APPROVAL OF THE REQUEST )</b>       | <b>PSC DOCKET NO. 06-241</b> |
| <b>FOR PROPOSALS FOR THE CONSTRUCTION OF )</b>         |                              |
| <b>NEW GENERATION RESOURCES UNDER )</b>                |                              |
| <b>26 DEL. C. §1007(d) (Opened July 25, 2006) )</b>    |                              |

**JEREMY FIRESTONE’S RESPONSE IN OPPOSITION TO CONECTIV’S  
INFORMAL LETTER REQUEST TO SUSPEND COMMENT PERIOD, POSTPONE  
NOVEMBER 20 HEARING & DIRECT STAFF TO SUBMIT A REVISED REPORT**

1. On November 6, 2007, Bluewater made a filing withdrawing the price escalator from its term sheet.
2. While one would have thought this was good news for Conectiv given that the Bluewater decision revives a Conectiv term sheet that was evaluated on price more favorably than NRG’s term sheet, Conectiv, the next day, Conectiv filed a letter requesting that the comment period be suspended, that the November 20 hearing be postponed, and that the staff be directed to submit a revised report.
3. As an initial matter, Conectiv’s filing was not in the form of a motion to modify a previously issued order as required by Commission rules and thus should be denied as improperly filed.

4. Second, the comment period date and the November 20 date are set forth in a Commission Order. All decisions to modify the Order are required to be made in public and thus even if the request had been properly embodied in a motion, the request could not be heard and resolved until the Commission (and the three other agencies) hold open proceedings on November 20.
5. Third, the Bluewater filing that precipitated Conectiv's informal request merely withdrew the uncapped price escalator; it did not otherwise change the Bluewater term sheet. Because the State Consultant analyzed the price of the Bluewater project with and without the escalator, there is enough information available to all parties to intelligently comment on the Bluewater Term Sheet, as modified.
6. Fourth, given the Independent Consultant's statement in his report that he was limited in what he was able to do by the funds he was provided, it would appear that any supplemental report would require a decision by this Commission to authorize additional monies, which could not take place until November 20.
7. Fifth, this Commission has entertained filings from parties that have been made on the day of a scheduled hearing, irrespective of their prejudicial nature to other parties (e.g., NRG's *in camera* document confidentiality request). Here, while not contemplated by the schedule, the parties were at least given some time to respond to the Bluewater filing, and as mentioned above, the change was such, that the parties can evaluate its effects and respond intelligently based on analyses already undertaken by the state consultant and presumably by the interested person (e.g., Conectiv) themselves.

8. Finally, there is no reason not to go forward on November 20. Everyone will be assembled, and while I believe there will be sufficient information before the agencies to make a decision on the Bluewater proposal, if it is determined that that is not the case, differences will in any event be narrowed and the remaining issues clarified.

WHEREFORE, I RESPECTFULLY REQUEST THAT THE STATE AGENCIES DENY  
CONNECTIV'S INFORMAL LETTER REQUEST

Respectfully submitted this 7th day of November 2007,

A handwritten signature in black ink, appearing to read "Jeremy Firestone". The signature is fluid and cursive, with the first name "Jeremy" and last name "Firestone" clearly distinguishable.

Jeremy Firestone (on his own behalf)  
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